

Application No. 09/681,596
Amendment dated November 30, 2004
Reply to Office Action of September 15, 2004

REMARKS

Claims 37-41 are withdrawn from consideration pursuant 37 C.F.R. § 1.142(b); after which, claims 30-36 are pending. Claims 1-29 were cancelled in a previous response. Claims 30-36 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 30 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Choma (U.S. 4,693,226) in view of Ishibashi (U.S. 5,014,654) and Diehl et al. (U.S. 5,642,698) [hereinafter Diehl].

Applicant has amended claim 30 to better define the invention. In addition, Applicant respectfully disagrees that there is a motivation to combine the cited references to teach all the claim limitations required in claim 30. Accordingly, based on the amendment and response herein, Applicant respectfully traverses the rejections and requests reconsideration.

I. 35 U.S.C. § 112, Second Paragraph Rejections

Claim 30 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Examiner stated that

claim 30 states that the connecting channel is connected to each intake pipe "of the intake manifold via outlet channels." Unfortunately none of the embodiments shows this feature.

Amended claim 30 now includes the limitation "wherein the at least one collecting channel is connected to one of each intake pipe of the intake manifold or each intake pipe of the cylinder head via outlet channels having separate non-return valves."

Applicant respectfully submits the specification and drawings of the application clearly indicate the collecting channel connected either to the intake pipes of the intake manifold or to the intake pipes in the cylinder head as amended

claim 30 now requires. For example, FIG. 1 illustrates collecting channel 11, conduits 12-15, and corresponding openings 20-23 that clearly connect the channel 11 to the intake pipes 4-7 of the intake manifold. Likewise, paragraph 0033 specifically states "[t]he ventilated gases are guided from the gallery channel 11 through separate conduits 12-15 with respective non-return valves 16-19 and are connected directly to their respective pipes 4-7 of the intake manifold via a corresponding number of openings 20-23." In addition, FIG. 2A, for example, also shows the collecting channel 11 connected to the intake pipe of the cylinder head 8 via conduit 12.

Accordingly, based on the amendment to claim 30 and the response above, Applicant respectfully requests the rejection under 35 U.S.C. § 112, second paragraph to claims 30-36 be withdrawn.

II. 35 U.S.C. § 103(a) Rejections

Claim 30 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Choma in view of Ishibashi and Diehl. Applicant respectfully disagrees that there is a motivation to combine the references to reach all the claim limitations required in claim 30.

Applicants continue to submit that the cited references only teach the collecting channel and valves either *both in* an intake manifold or *both outside* of the intake manifold. There is no motivation in any of the cited references to suggest that the channel and valves be split in separate locations as required by amended claim 30 (i.e., the channel in the intake manifold and the valves outside of the intake manifold). For instance, as illustrated in FIGS. 2-3 of Choma, which teaches a retrofit system for existing engines (Col. 3, lines 60-66), the channel and valve are both outside the intake manifold in spacer 22. Likewise, Deihl also only teaches the channel and valves being both outside the intake manifold, which is clearly

illustrated in FIG. 1. Ishibashi, on the other hand, only teaches a collecting channel without the use of non-return valves. As a result, the combination of Choma, Ishibashi, and Deihl do not teach or suggest having the channel in the intake manifold and the valves outside of the intake manifold because there is no motivation to *separate* the valve and channel in any of the references.

Additionally, Applicant does agree that the cited art teaches the simplification of an intake manifold by creating a more compact structure (*see* Ishibashi, Col. 4, lines 49-54). This teaching, however, would suggest that both the channel and the valve be located in the intake manifold, which is a more compact structure. However, amended claim 30 is opposite such prior art teachings. Applicant's claims are to the channel in the intake manifold and the valves outside the intake manifold. Therefore, the prior art teaches away from Applicant's claims.

Based on the response above, Applicant respectfully submits there is no motivation to combine the cited references to teach a channel in the intake manifold and a non-return valve outside the intake manifold. Accordingly, Applicant requests the rejection to claim 30 be withdrawn.

III. Generic Claim

Claims 37-41 are withdrawn from consideration. The Examiner has indicated that there is no allowable generic or linking claim.

Based on the response herein, Applicant respectfully submits that independent claim 30 is an allowable generic claim that requires the non-return valves to be outside the intake manifold. Dependent claims 31-36 require the non-return valves to be outside the intake manifold in a gasket between a flange of the intake manifold and the cylinder head. Dependent claims 37-38 require the non-return valves to be outside the intake manifold within the cylinder head.

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Dependent claims 39-40 introduce more structure to the generic claim 30 (i.e., at least one opening). Independent claim 41 includes the limitations of claims 30 and 31.

Applicant respectfully submits that independent claim 30 is an allowable generic claim. Accordingly, Applicant also respectfully requests reconsideration of withdrawn claims 37-41 in light of the arguments presented herein.

CONCLUSION

There being no other objections to or rejections of the claims, the Applicant respectfully submits that claims 30-41 may be passed to allowance.

Respectfully submitted,
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November 30, 2004

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